

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Roberto A. Williams,

Case No. 23-cv-2181 (DWF/DLM)

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

Bianca L. Ellison and
Johnell L. Gunn,

Defendants.

In an Order dated August 1, 2023, (Doc. 5), this Court directed Plaintiff Roberto A. Williams to submit additional financial information from which this Court could then calculate his initial partial filing fee. The Court set a deadline for Mr. Williams of August 22, 2023, to provide the required documentation, warning him that failure to do so would result in a recommendation that this action be dismissed without prejudice for failure to prosecute. (*Id.* at 4–5). *See also* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Mr. Williams has not submitted the required documentation. In fact, Mr. Williams has not communicated with the Court about this case since filing his Application to Proceed in District Court without Prepaying Fees or Costs on July 28, 2023. (Doc. 4.) Accordingly, this Court now recommends, consistent with the warning previously given to Mr. Williams, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss

an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the above, and on all the files, records, and proceedings in this action, **IT IS RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: August 29, 2023

s/Douglas L. Micko
DOUGLAS L. MICKO
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served with a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).